Congress of the United States
Washington, DC 20515

August 17th, 2018

Mr. Michael White
State Executive Director
Farm Service Agency
100 Sun Avenue NE, Suite 200
Albuquerque, NM, 87109

Dear Mr. White:

We are concerned that the United States Department of Agriculture (USDA) Farm Service Agency's (FSA) revision to the 2017 AGM Mixed Forage Crop Table for Rio Arriba County could negatively impact the livelihood of local farmers and ranchers. It is our understanding that the District Director of the National Crop Table (NCT) for Rio Arriba County performed a review of the data for the AGM Mixed Forage and concluded that the data was entered incorrectly. Furthermore, we have been informed that this determination was issued to the county on August 8, 2018, with the directive that the county complete and process corrections by August 24, 2018.

As you know, this will impact farmers and ranchers in Rio Arriba County who made decisions based on the original 2017 AGM Mixed Forage Crop Tables when they purchased their Noninsured Crop Disaster Assistance Program policies. We are also alarmed by the speed by which this determination is being made. We have the following questions regarding USDA's decision to reduce the T-Yield for Rio Arriba County:

1. How did USDA determine that there was a need to reduce the AGM Mixed Forage yield for Rio Arriba County?
2. For 2017 and before, what did the USDA FSA do to ensure that the established County-Expected Yields for Rio Arriba County were correct? What steps were taken in previous years to ensure that these yields were accurate and feasible?
3. The USDA FSA has stated that the certified T-Yield value of 4.18 tons/acre was incorrect. When did the USDA FSA first make this determination?
4. What steps did USDA FSA take to certify the T-Yield of 4.18 tons/acre and what methodology did USDA FSA use to determine this number?
5. What steps did USDA FSA take to certify the new T-Yield of 2.76 tons/acre and what methodology did USDA FSA use to determine this number?
6. Why is there a discrepancy between the county data and the USDA data?
7. We have been informed that, when the New Mexico USDA FSA consulted the National Office on how to address a correction for Mixed Forage Yields, the National Office provided guidance that, because 2017 premiums have been paid, the Rio Arriba County Committee should, on a case-by-case basis, look at the policy to reduce T-Yield on an

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individual basis. Why has the New Mexico USDA FSA now decided to adjust the National Crop Table County Expected Yield to make this correction? Does this new approach put more people at risk of overpayment than a case-by-case approach?

8. What is the normal process for revising NCT numbers that have been determined to be incorrect?
9. Is the USDA following this process in revising the AGM Mixed Forage number for Rio Arriba County?
10. What steps has USDA FSA taken to ensure that impacted communities are aware of this change?
11. What opportunity do impacted individuals and communities have to appeal this process? Outside of appeal, what recourse exists for producers that purchased their NAP policy with the understanding that their yield guarantee would be using the 4.18 tons/acre number?
12. What steps will the USDA FSA take to ensure that impacted communities and individuals who are adversely impacted by the modification to the T-Yield are not overly burdened? Does the USDA FSA plan to offer supplemental assistance?
13. Are there other counties in New Mexico where USDA FSA determined that the Established County-Expected Yields were incorrect? If so, has USDA FSA taken action to correct them?
14. What steps will the USDA FSA take to ensure that mistakes like this do not happen again so that New Mexicans can have confidence that programs like NAP, which is critical to ensuring farmers livelihoods are protected through disasters such as a drought, are working as intended?

We urge you to delay your request that Rio Arriba County complete and process corrections until the Congressional delegation and the impacted communities understand the answers to these questions and have an opportunity to have their voices heard. If this issue is not resolved appropriately, the farmers and ranchers who signed up for this program in order to have a safety net for hard times will, through no fault of their own, experience significant financial hardship. Should you have any concerns, please reach out to Levi Patterson at 202-225-6190 or Levi.Patterson@mail.house.gov.

Please respond to this request by Tuesday, August 21st.

Sincerely,

Ben Ray Luján
Member of Congress

Michelle Lujan Grisham
Member of Congress